

OPINION 678

THE SUPPRESSION UNDER THE PLENARY POWERS OF THE
PAMPHLET PUBLISHED BY MEIGEN, 1800

RULING.—(1) Under the plenary powers :

- (a) the pamphlet published by J. W. Meigen, 1800, entitled *Nouvelle Classification des Mouches à Deux Ailes*, is hereby suppressed for the purposes of zoological nomenclature ;
- (b) the following generic names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :
 - (i) *Euphrosyne* Gray, 1866 ;
 - (ii) *Phryne* Herrich-Schaeffer, [1844] ;
 - (iii) *Melusina* Stål, 1867 ;
 - (iv) *Atalanta* Stål, 1861 ;
 - (v) *Antiope* Alder & Hancock, 1848 ;
 - (vi) *Cinxia* Stål, 1862 ;
 - (vii) *Zelima* Fabricius, 1807.

(2) The following work is hereby placed on the Official Index of Rejected and Invalid Works in Zoological Nomenclature with the Title No. 66 :
Meigen (J.W.), 1800, *Nouvelle Classification des Mouches à Deux Ailes*. Paris.

(a work suppressed under the plenary powers in (1)(a) above).

(3) The following generic names, as suppressed under the plenary powers in (1)(b) above, are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified :

- (a) *Euphrosyne* Gray, 1866 (Name No. 1651) ;
- (b) *Phryne* Herrich-Schaeffer, [1844] (Name No. 1652) ;
- (c) *Melusina* Stål, 1867 (Name No. 1653) ;
- (d) *Atalanta* Stål, 1861 (Name No. 1654) ;
- (e) *Antiope* Alder & Hancock, 1848 (Name No. 1655) ;
- (f) *Cinxia* Stål, 1862 (Name No. 1656) ;
- (g) *Zelima* Fabricius, 1807 (Name No. 1657).

HISTORY OF THE CASE. (Z.N.(S.) 191)

A full history of the case up to the end of 1960 is given in the Report prepared by Mr. R. V. Melville, then Assistant Secretary to the Commission, which was published on 5 December 1960 in *Bull. zool. Nomencl.* **18** : 9-64, together with an explanatory Foreword by Mr. N. D. Riley. The following Secretary's Note was sent to Commissioners with Voting Paper (62)24 :

"When Mr. Melville's report (*Bull. zool. Nomencl.* **18** : 9-64) on this exasperating case was published I prefaced it with a note pointing out certain irregularities in a previous vote, to which President J. Chester Bradley had called my attention. The present call for a vote is necessitated by the fact that objections (as was anticipated) have indeed been received to the proposals embodied in that report. These have been duly published ; and the attention

of Commissioners is insistently drawn to them (*Bull. zool. Nomencl.* 18 : 227, 229, 296, 382, 384). The most important of these objections was received from Mr. Sabrosky himself, who originated the proposal (*Bull. zool. Nomencl.* 6 : 131-141) that Meigen's disputed work of 1800 should be suppressed.

"Whatever is the decision of the Commission in respect of the vote now called for, I would beg Commissioners to bear in mind the fact that the Secretariat, in its present greatly reduced state, cannot possibly undertake to pursue to their ultimate conclusions all the consequential matters of a nomenclatural nature that may arise. Article 81 of the Code is relevant. The Secretariat must rely upon specialists themselves to submit applications in respect of such matters.

"The alternatives now placed before the Commission are as follows :

"In Part 1 of the accompanying Voting Paper Commissioners are asked to vote either for or against the use of the plenary powers to reject the Meigen 1800 names.

"In Part 2 Commissioners having voted in the affirmative in Part 1 are asked to vote for one of two alternatives (Mr. Sabrosky having agreed to drop his proposal (*Bull. zool. Nomencl.* 18 : 227) that the pamphlet should be suppressed for Priority only).

"Alternative A is Mr. Sabrosky's original proposal to suppress the pamphlet for all purposes. All that needs doing then is to further suppress, for the purposes of the Law of Priority only, those 6 junior homonyms of suppressed Meigen names which would thus be rendered valid senior synonyms of well-known names. These homonyms are :

Euphrosyne Gray, 1866 (Mammalia)

Phryne Herrich-Schaeffer, [1844] (Lepidoptera)

Melusina Stål, 1867 (Hemiptera)

Atalanta Stål, 1861 (Hemiptera)

Antiope Alder & Hancock, 1848 (Gastropoda)

Cinxia Stål, 1862 (Hemiptera).

"Alternative B is the detailed proposals contained in Mr. Melville's report."

DECISION OF THE COMMISSION

On 31 May 1962 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (62)24, in Part 1, either for or against the use of the plenary powers to reject the Meigen 1800 names, and in Part 2, either for Alternative A or for Alternative B (as described in the accompanying note). At the close of the prescribed Voting Period on 31 August 1962 the state of the voting was as follows :

Part 1. Affirmative Votes—twenty-four (24), received in the following order : Hering, China, Boschma, Holthuis, Mayr, Riley, Vokes, Lemche, do Amaral, Munroe, Stoll, Bonnet, Alvarado, Brinck, Key, Uchida, Borchsenius, Obruchev, Tortonese, Hemming, Jaczewski, Binder, Mertens, Kühnelt.

Negative Votes—none (0).

Part 2. For Alternative A—twenty (20) : Hering, China, Boschma, Holthuis, Mayr, Riley, Vokes, Lemche, do Amaral, Munroe, Stoll, Alvarado, Brinck, Key, Uchida, Borchsenius, Obruchev, Jaczewski, Binder, Mertens.

For Alternative B—four (4) : Bonnet, Tortonese, Hemming, Kühnelt.

On Leave of Absence—one (1) : Prantl.

Voting Papers not returned—two (2) : Evans, Poll.

Commissioners Bradley and Miller returned late votes in favour of the use of the plenary powers and Alternative A.

In returning his Voting Paper Commissioner Francis Hemming made the following comment : “ In returning this Voting Paper I wish to express the strong hope that, when voting on Part 2, the Commission will approve Alternative B rather than Alternative A, for, apart from the fact that Alternative B has the advantage of being much more complete and comprehensive, it would, I feel, be unfortunate if the effect of the Commission’s decision were to invalidate the new names in Meigen’s *Nouvelle Classification* for all purposes, since many of those names have been used extensively since the publication of Hendl’s paper now over fifty years ago and it would be likely to give rise to serious and unnecessary confusion if as the result of the decision now to be taken those names—through not having been kept alive for the purposes of homonymy—could now validly be introduced as the names for new genera in any part of the animal kingdom.

“Although nothing on the question is expressly stated in Alternative A, I hope that that Alternative is to be interpreted as involving the addition to the Official Indexes of the title of Meigen’s *Nouvelle Classification* and of the new generic names proposed in the *Nouvelle Classification*, together with the six other generic names specified at the end of Alternative A in the Voting Paper. (I am glad to note that the name *Phryne* Herrich-Schaeffer, about which I submitted a separate request as a lepidopterist when this case was in preparation, is included in the supplementary list of names to be suppressed, for it would be very undesirable if this name had to replace the well-known name *Triphysa* Zeller.)”

On the 29 August 1962, the Acting Secretary to the Commission received the following further letter from Mr. Hemming : “ If the Commission decides in favour of the simpler of the two alternative solutions put before it in the “Meigen 1800” case, i.e. Alternative A in the note which you circulated. I hope it may be possible to add one more name to the short list there given of post-Meigen names in other Orders which are at present invalid as junior homonyms of “Meigen 1800” names, but which would come to life, unless some special action is taken to prevent this from happening.

“The name which I should like to see added to the list of names to be suppressed is : *Zelima* Fabricius, 1807, *Mag. f. Insektenk.* (Illiger) 6 : 279. The above name was replaced by the name *Ailus* by Billberg as long ago as 1820 (*Enum.* : 81) and it would be confusing and embarrassing if, as the result of action taken on the Meigen Diptera case, the name *Zelima* in Lepidoptera were to become available. I hope therefore that this name will be suppressed—and placed on the Official Index—at the same time as the other names enumerated in your list. Riley, as a lepidopterist, supports this suggestion.”

On 3 October 1962 the Members of the Commission, having been informed of the matter raised by Commissioner Hemming, were invited to vote under the Three-Month Rule on Voting Paper (62)41 either for or against the

suppression under the plenary powers of the generic name *Zelima* Fabricius, 1807. At the close of the prescribed Voting Period on 3 January 1963 the state of the voting was as follows :

Affirmative Votes—twenty-three (23), received in the following order : China, Lemche, Holthuis, Stoll, Mayr, Hering, Borchsenius, Munroe, Bonnet, Obruchev, Uchida, Riley, Binder, Alvarado, Vokes, Brinck, Key, Bradley, do Amaral, Evans, Jaczewski, Kühnelt, Mertens.

Negative Votes—none (0).

On Leave of Absence—one (1) : Prantl.

Voting Papers not returned—three (3) : Hemming, Poll, Tortonese.

Commissioners Boschma and Miller returned late affirmative votes.

ORIGINAL REFERENCES

The following are the original references for the names places on the Official Index by the Ruling given in the present Opinion :

Antiope Alder & Hancock, 1848, *Ann. Mag. nat. Hist.* (2) 1 : 190

Atalanta Stål, 1861, *Stettin ent. Z.* 22 : 149

Cinxia Stål, 1862, *Stettin ent. Z.* 23 : 105

Euphrosyne Gray, 1866, *Proc. zool. Soc. Lond.* 1866 : 214

Melusina Stål, 1867, *Öfvers. K. svensk. Vetensk.-Akad. Förhandl.* 24 : 552

Phryne Herrich-Schaeffer, [1844], *Schmett. Europ.* 1 : 90

Zelima Fabricius, 1807, *Mag. f. Insektenk.* (Illiger) 6 : 279

CERTIFICATE

I certify that the votes cast on Voting Papers (62)24 and (62)41 were cast as set out above, that the proposals set out in those Voting Papers have been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 678.

W. E. CHINA

Acting Secretary

*International Commission on
Zoological Nomenclature*

London

12 November 1962